

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

September 11, 2014

- I. **CALL TO ORDER** - The meeting was called to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

Planning Commission members present - Mike Owens, Chair; Mike Cravens; Karen Mundy; Carolyn Plumlee; Joseph Smith; Will Berkley; Carolyn Richardson; David Drake and Patrick Brewer. Frank Penn and Bill Wilson were absent.

Planning staff members present – Chris King; Bill Sallee; Traci Wade; Barbara Rackers; Tom Martin; Cheryl Gallt; Denice Bullock; Kelly Hunter and Dave Jarman. Other staff members in attendance were: Hillard Newman, Division of Engineering; Casey Kaucher, Division of Traffic Engineering; Tim Queary, Department of Environmental Policy; Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire and Emergency Services; and Tracy Jones and Andrea Brown, Department of Law.

- II. **APPROVAL OF MINUTES** – The Chair reminded the Commission members that the minutes of the August 14, 2014, meeting were previously emailed to the Commission for their review; and if there were no changes, those minutes were ready to be considered at that time.

Action - A motion was made by Mr. Cravens, seconded by Ms. Plumlee and carried 7-0 (Brewer, Drake, Penn and Wilson absent) to approve the minutes of the August 14, 2014, meeting.

- III. **POSTPONEMENTS OR WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.

- a. PLAN 2014-58F: DALLAS PLAZA, UNIT 1, BLOCK A, LOT 1 (PATCHEN PLACE SUBDIVISION, UNIT 1) (AMD) (11/2/14)* - located at 2800 Richmond Road. (Council District 5) **(Midwest Engineering)**

Note: The purpose of this amendment is to subdivide one lot into three lots.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
8. Addition of "Patchen Place Subdivision, Unit 1" in title block.
9. Depict adjacent property with dashed lines.
10. Addition of adjacent property information.
11. Addition of listing of the private utility companies.
12. Addition of street frontage in site statistics for Richmond Road and Gribbin Drive.
13. Denote direction of street cross-sections.
14. Addition of street cross-section for access easement.

Representation – Richard Murphy, attorney, was present representing the applicant, and requested postponement of PLAN 2014-58F: DALLAS PLAZA, UNIT 1, BLOCK A, LOT 1 (PATCHEN PLACE SUBDIVISION, UNIT 1) (AMD) to the October 9, 2014, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 7-0 (Brewer, Drake, Penn and Wilson absent) to postpone PLAN 2014-58F: DALLAS PLAZA, UNIT 1, BLOCK A, LOT 1 (PATCHEN PLACE SUBDIVISION, UNIT 1) (AMD) to the October 9, 2014, Planning Commission meeting.

- b. PLAN 2014-49F: PINEHURST SUBDIVISION, LOT 33 (AMD) (10/5/14)* - located at 153 Beverly Avenue. (Council District 6) **(Foster-Roland)**

Note: The Planning Commission continued this item from the August 14, 2014, meeting and further consideration was postponed at their August 28, 2014, meeting. The purpose of this amendment is to subdivide one lot into two lots.

The Subdivision Committee Recommended: **Postponement**. There were some questions regarding the sanitary sewer connection and the adequacy of the existing 50' access easement.

Should this plan be approved, the following requirements should be considered:

* - Denotes date by which Commission must either approve or disapprove request.

1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
8. Addition of tree protection information.
9. Addition of the purpose of amendment note.
10. Increase font size for notes and certifications.
11. Addition of name and address of property owner and developer.
12. Addition of adjacent property information.
13. Identify adjacent property lines with dashed lines.
14. Addition of private access easement maintenance note.
15. Correct length of street (lot frontage) in site statistics.
16. Identify street trees required for each lot.
17. Resolve proposed widening on all street frontages or dedication of right-of-way.
18. Discuss access to property and adequacy of existing easement to provide public service.
19. Discuss sanitary sewer connection locations.

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant, requesting postponement of PLAN 2014-49F: PINEHURST SUBDIVISION, LOT 33 (AMD) to the October 9, 2014, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Staff Comment – Mr. Sallee reminded the Planning Commission that this item was continued from the August 14, 2014, meeting and was postponed at their August 28, 2014, meeting. The Chair confirmed that this item would be continued to the October 9, 2014, meeting.

Action - A motion was made by Ms. Mundy, seconded by Ms. Plumlee and carried 7-0 (Brewer, Drake, Penn and Wilson absent) to continue consideration of PLAN 2014-49F: PINEHURST SUBDIVISION, LOT 33 (AMD) to the October 9, 2014, Planning Commission meeting.

IV. LAND SUBDIVISION ITEMS - The Subdivision Committee met on Thursday, September 4, 2014, at 8:30 a.m. The meeting was attended by Commission members: Will Berkley, Karen Mundy, Joe Smith, Frank Penn, Carolyn Plumlee and Mike Owens. Committee members in attendance were: Hillard Newman, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Barbara Rackers, Denice Bullock, Traci Wade, Cheryl Galt and Kelly Hunter, as well as Tracy Jones, Department of Law and Greg Lengal and Joshua Thiel, Division of Fire and Emergency Services. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.

1. *All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
2. *All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

A. CONSENT AGENDA - NO DISCUSSION ITEMS – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

Criteria:

- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
- (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
- (3) no discussion of the item is desired by the Commission; and
- (4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
- (5) the matter does not involve a waiver of the Land Subdivision Regulations.

Requests can be made to remove items from the Consent Agenda:

- (1) due to prior postponements and withdrawals,
- (2) from the Planning Commission,
- (3) from the audience, and
- (4) from Petitioners and their representatives.

At this time, the Chair requested that the Consent Agenda items be reviewed. Mr. Sallee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval of some of these items and the staff recommended approval of the remainder. (A copy of the Consent Agenda is attached as an appendix to these minutes). He

added that PLAN 2014-58F: DALLAS PLAZA, UNIT 1, BLOCK A, LOT 1 (PATCHEN PLACE SUBDIVISION, UNIT 1) (AMD) was previously listed on the Consent Agenda; however, at the applicant's request, the Commission postponed this item one month.

1. PLAN 2014-61P: LOCAL ENTERPRISES, INC (11/2/14)* - located at 4595 Tates Creek Road.
(Council District 4) **(EA Partners)**

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan and required street tree information.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Clarify tree planting and maintenance of trees along USA boundary in Tree Preservation Plan information.
10. Addition of topographic contours and denote source.

2. PLAN 2014-59F: SHARKEY PROPERTY, UNIT 2-C, SECTION 1 & UNIT 3, SECTION 4 (AMD) (11/2/14)* - located at 201 Towne Square Park and Town Square Drive. (Council District 2) **(EA Partners)**

Note: The purpose of this amendment is to revise the sidewalk location and add a 5' sidewalk easement.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Denote: This property shall be developed in accordance with the approved final development plan.
9. Addition of all notes from the approved final record plat.

3. PLAN 2014-60F: LITTLE BEGINNERS CHILD DEVELOPMENT CENTER (FRANCIS SAID PROPERTY) (11/2/14)* - located at 474 Stone Road. (Council District 10) **(Tim Thompson)**

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
8. Correct plat title to "Final Record Plat for Little Beginners Development Center."
9. Addition of maintenance note for maintaining drainage and other easements.
10. Addition of street frontage in site statistics.
11. Resolve Urban County Engineer's certification.
12. Resolve status of improvements per the approved development plan, prior to plan certification.

4. PLAN 2013-83F: MAHAN PROPERTY, UNIT 2-B (11/19/14)* - located at 2980 Man o' War Boulevard.
(Council District 4) **(EA Partners)**

Note: The Planning Commission originally approved this plan on August 22, 2013, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.

* - Denotes date by which Commission must either approve or disapprove request.

7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Clarify tree canopy information or clarify extent of tree protection areas.
9. Clarify asterisk shown on street cross-section (min. flood protection).
10. Eliminate duplicate note about overflow swale construction.

Note: Section 1 of this plan was recorded on March 12, 2014. The Commission's approval has since expired for Section 2, and the applicant now requests reapproval of the plan.

The Subdivision Committee Recommended: **Reapproval for Section 2**, subject to the original conditions listed on today's agenda, deleting conditions #8, #9 and #10.

5. PLAN 2014-68F: BROOKHAVEN SUBDIVISION, UNIT 1-F, BLOCK A, LOT 1 (AMD) (11/25/14)* - located at 3050 Kirklevington Drive. (Council District 4) **(Wheat & Ladenburger)**

Note: The purpose of this amendment is to subdivide one lot into two lots.

The Subdivision Committee Recommended: **Approval**, subject to the following revised conditions:

1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 4. Addressing Office's approval of street names and addresses.
 5. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 6. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 7. Denote reciprocal parking and access.
6. PLAN 2013-98F: MASTERSON HILLS, UNIT 1-C (12/3/14)* - located at 3000 Spurr Road. (Council District 2) **(EA Partners)**

Note: The Planning Commission originally approved this plan on September 12, 2013, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Provide flood protection elevation note to the approval of the Division of Engineering.
10. Denote "3' drainage easement maintenance responsibility for 10' cemetery lot proposed."
11. Indicate driveway location on corner lots to the approval of Traffic Engineering.
12. Addition of cemetery lot to this plat prior to certification, denoting cemetery protection required by Art. 3-7(b)(1), (2), (5), (6) & (7) of the Zoning Ordinance.
13. Denote on the plan a 5' side yard setback and a 4' fence height restriction on Lots 107 and 108 adjacent to the cemetery lot, prior to certification.

Note: The applicant now requests approval of a one-year extension for this plan.

The Staff Recommends: **Approval of a one-year extension**, subject to the original conditions listed on today's agenda.

7. DP 2014-71: MAN O' WAR DEVELOPMENT, UNIT 2A, LOTS A-20 & A-21 (AMD) (11/2/14)* - located at 1908 Bryant Road. (Council District 6) **(Vision Engineering)**

Note: The purpose of this amendment is to reconfigure the buildable area, the parking and circulation.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.

* - Denotes date by which Commission must either approve or disapprove request.

7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 8. Division of Waste Management's approval of refuse collection locations.
 9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 10. Resolve the need for documentation of construction proposed on adjacent property.
8. DP 2014-78: KIRKLEVINGTON HILLS APARTMENTS – SOUTH (AMD) (11/25/14)* - located at 3050 Kirklevington Drive. (Council District 4)
(Vision Engineering)

Note: The purpose of this amendment is to revise the building location and add 4 additional apartments.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 6. Division of Waste Management's approval of refuse collection locations.
 7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 8. Clarify buildings in stats and on plan face (D-21, D-22, D-25 & D-26).
 9. Addition of note #16 from previous plan (DP 2014-27).
 10. Recordation of final record plat prior to plan certification.
9. DP 2013-19: BROOKHAVEN SUBDIVISION (AMD #10) (11/26/13)* - located at 2434 and 2450 Nicholasville Road. (Council District 4)
(Wheat & Ladenburger)

Note: The purpose of this amendment is to add building square footage and revise the parking. The Planning Commission originally approved this plan on March 14, 2013, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection.
8. Label and dimension all internal sidewalks.
9. Denote the height (in feet) of existing and proposed buildings.
10. Denote all proposed and existing easements.
11. Clarify street cross-section information.
12. Remove cross-hatching for "new" sidewalks and depict the same as existing ones along the Rite Aid street frontage.
13. Identify existing and/or proposed dumpster and loading dock information at the rear of building.
14. Denote proposed outdoor seating in site statistics for restaurant "A."
15. Delete "optional" on parking north of new building.
16. Addition of street frontage in site statistics.
17. Revise plan to demonstrate compliance with the minimum required off-street parking.

Note: The applicant later requested a continued discussion of this plan to allow a larger athletic club facility and to eliminate the previously approved restaurant and office space from the development. The Planning Commission approved the applicant's request on September 12, 2013, subject to the original conditions 1-13 & 16; and adding the following revised conditions:

14. ~~Denote proposed outdoor seating in site statistics for restaurant "A."~~ Denote as "10th Amendment" in title block.
15. ~~Delete "optional" on parking north of new building.~~ Complete numbering of general notes.
17. ~~Revise plan to demonstrate compliance with the minimum required off-street parking.~~ Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.

Note: On May 8, 2014, the applicant had requested another continued discussion of this plan, requesting to change the layout of the property; reduce the buildable area; and add an access point to Malabu Drive. The Planning Commission approved their request, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.

* - Denotes date by which Commission must either approve or disapprove request.

5. Urban Forester's approval of tree preservation plan.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection.
8. Denote the height (in feet) of existing and proposed buildings.
9. Denote all proposed and existing easements.
10. Clarify street cross-section information.
11. Remove cross-hatching for "new" sidewalks and depict the same as existing ones along the Rite Aid street frontage.
12. Complete numbering of general notes.
13. Addition of street frontage in site statistics.
14. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
15. Depict lots per Final Record plat (Cabinet N – Slide 30).
16. Addition of building information from previous plan.
17. Correct or delete note #9.
18. Addition of written and graphic scale.
19. Eliminate the proposed access point to Malabu Drive.
20. Resolve note #14 pertaining to "reciprocal access & parking agreement."
21. Resolve possibility of a restaurant use on northeast corner of building.

Note: The applicant has now recently requested a continued discussion of this plan, requesting to change the layout of the parking and reconfiguring the buildable area.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection.
- ~~8. Denote the height (in feet) of existing and proposed buildings.~~
9. Denote all proposed and existing easements.
- ~~10. Clarify street cross-section information.~~
- ~~11. Remove cross-hatching for "new" sidewalks and depict the same as existing ones along the Rite Aid street frontage.~~
- ~~12. Complete numbering of general notes.~~
- ~~13. Addition of street frontage in site statistics.~~
14. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
- ~~15. Depict lots per Final Record plat (Cabinet N – Slide 30) and denote proposed new lot line. Provided that the plat is recorded prior to the certification of this plan.~~
- ~~16. Addition of building information from previous plan.~~
- ~~17. Correct or delete note #9.~~
- ~~18. Addition of written and graphic scale.~~
- ~~19. Eliminate the proposed access point to Malabu Drive.~~
- ~~20. Resolve Correct note #14 13, pertaining to "reciprocal access & parking agreement."~~
- ~~21. Resolve possibility of a restaurant use on northeast corner of building.~~
14. Revise parking to include any proposed patio seating for new restaurants.
15. Prior to plan certification denote proposed new lot lines on final record plat.

Mr. Sallee said that the items identified above on the Consent Agenda could be considered for conditional approval at this time by the Commission, unless there was a request for an item to be removed from consideration by a member of the Commission, or the audience, in order to permit further discussion.

Consent Agenda Discussion – The Chair asked if anyone in the audience or on the Commission desired further discussion of any of the items listed on the Consent Agenda. There was no response.

The Chair then confirmed that PLAN 2014-58F: DALLAS PLAZA, UNIT 1, BLOCK A, LOT 1 (PATCHEN PLACE SUBDIVISION, UNIT 1) (AMD) was postponed earlier by the Planning Commission to the October 9, 2014, meeting.

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 7-0 (Brewer, Drake, Penn and Wilson absent) to approve the items listed on the Consent Agenda, as recommended by the staff.

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, August 7, 2014, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Mike Cravens, David Drake, Carolyn Richardson, and Bill Wilson. The Committee reviewed applications, and made recommendations on zoning items as noted.

Note: The following item was continued from the August 25, 2014, meeting.

A. CALLER PROPERTIES, LLC, ZONING MAP AMENDMENT & CHEVY CHASE SHOPPES ZONING DEVELOPMENT PLAN

1. MAR 2014-16: CALLER PROPERTIES, LLC (10/5/14)* – petition for a zone map amendment from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone, for 0.588 net (0.852 gross) acre, for property located at 626-634 Euclid Avenue.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. The petitioner proposes removing the three structures and replacing them with a 10,000 square-foot commercial building. The petitioner proposes retail sales establishments and restaurants, including a drive-through facility and associated off-street parking.

The Zoning Committee Recommended: **Postponement**.

The Staff Recommended: **Approval**, for the following reasons:

1. The proposed Neighborhood Business (B-1) zone is in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The Plan recommends compact, contiguous, and/or mixed-use sustainable development within the Urban Service Area to accommodate future growth needs in order to uphold the Urban Service Area concept (Theme E, Goal #1, Obj. b.). The petitioner's development will be in keeping with the character of the Euclid Avenue corridor, which is a near-downtown commercial area that is pedestrian-friendly.
 - b. The Plan recommends identifying opportunities for infill, redevelopment and adaptive reuse that respects the area's context and design features whenever possible (Theme A, Goal #2, Obj. a.). The petitioner desires to redevelop the subject property, which is comprised of three parcels that are considered underutilized along this commercial corridor. The petitioner now proposes a redevelopment that is sensitive to the surrounding properties and will improve the commercial corridor.
 - c. The proposed B-1 zone is compatible with the immediately adjoining B-6P and P-1 zoning.
2. Under the provisions of Article 6-7 of the Zoning Ordinance, the subject property shall be restricted with the following restrictions via conditional zoning:

Prohibited Uses

- a. Schools for academic instruction.
- b. Funeral parlors.
- c. Medical and dental offices, clinics and laboratories.
- d. Liquor stores.
- e. Automobile service stations.
- f. Banquet facilities.
- g. Cocktail lounges, nightclubs or bars.
- h. Live entertainment.

These restrictions are necessary and appropriate in order to restrict the most intense land uses on the subject property. Such uses could have a negative impact on the nearby neighborhoods related to noise and/or traffic congestion.

2. ZDP 2014-65: CHEVY CHASE SHOPPES (10/5/14)* - located at 626, 630 and 634 Euclid Avenue.
(Barrett Partners)

The Subdivision Committee Recommended: **Postponement**. There are questions regarding the proposed access to the site and with the building's orientation to Euclid Avenue.

Should this plan be approved, the following requirements should be considered:

1. Provided the Urban County Council rezones the property B-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
7. Discuss proposed dumpster location.

* - Denotes date by which Commission must either approve or disapprove request.

8. Discuss proposed access to Marquis Avenue.
9. Discuss building fenestration along Euclid Avenue.
10. Discuss width of proposed drive-through lane.

Commission Comments – Mr. Cravens stated that he was absent during the previous discussions for this zone change; however, he did attend the Zoning Committee meeting in August, and since that time he has reviewed the August 28th hearing; therefore, he requested to sit in on the Commission's action.

Staff Comments – Ms. Wade said that, at the August 28th Planning Commission meeting, the staff presented the Commission with the Staff Report and other information pertaining to a zone change and development plan request for property located at 626, 630 and 634 Euclid Avenue. She explained that this request is for a zone map amendment for three parcels located at the corner of Euclid Avenue and Marquis Avenue. The applicant has requested to change the zoning from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone. She said that the staff is recommending approval of the requested zone change amendment, for the following reasons:

1. The proposed Neighborhood Business (B-1) zone is in agreement with the 2013 Comprehensive Plan, for the following reasons:
 - a. The Plan recommends compact, contiguous, and/or mixed-use sustainable development within the Urban Service Area to accommodate future growth needs in order to uphold the Urban Service Area concept (Theme E, Goal #1, Obj. b.). The petitioner's development will be in keeping with the character of the Euclid Avenue corridor, which is a near-downtown commercial area that is pedestrian-friendly.
 - b. The Plan recommends identifying opportunities for infill, redevelopment and adaptive reuse that respect the area's context and design features whenever possible (Theme A, Goal #2, Obj. a.). The petitioner desires to redevelop the subject property, which is comprised of three parcels that are considered underutilized along this commercial corridor. The petitioner now proposes a redevelopment that is sensitive to the surrounding properties and will improve the commercial corridor.
 - c. The proposed B-1 zone is compatible with the immediately adjoining B-6P and P-1 zoning.

Ms. Wade then said that the staff's recommendation also includes a conditional zoning restriction to prohibit a limited number of uses:

2. Under the provisions of Article 6-7 of the Zoning Ordinance, the subject property shall be restricted with the following restrictions via conditional zoning:

Prohibited Uses

- a. Schools for academic instruction.
- b. Funeral parlors.
- c. Medical and dental offices, clinics and laboratories.
- d. Liquor stores.
- e. Automobile service stations.
- f. Banquet facilities.
- g. Cocktail lounges, nightclubs or bars.
- h. Live entertainment.

These restrictions are necessary and appropriate in order to restrict the most intense land uses on the subject property. Such uses could have a negative impact on the nearby neighborhoods related to noise and/or traffic congestion.

Ms. Wade said that, at the August 28th meeting, the Commission had an extensive discussion concerning the conditional zoning restrictions listed on the staff report, and this discussion is what led this item to be continued to today's hearing.

Ms. Wade then said that, at this point in time, the Commission had previously closed the public comment portion of the public hearing; and, should the Commission have any questions, the staff would be available to answer those. She added that the staff had previously distributed both the staff report and supplemental report for MAR 2014-16: CALLER PROPERTIES, LLC, along with the staff's revised recommendations for ZDP 2014-65: CHEVY CHASE SHOPPES.

Mr. Sallee indicated that, at the August 28th meeting, the staff presented an exhibit (email correspondence); and a revised zoning development plan recommendation to the Commission for their review, at which time, the Commission had taken into consideration increasing the setback along Euclid Avenue from 10' to 15'. He said that the staff had redistributed both of these items for the Commission's review, and placed the zoning development plan recommendation on the overhead projector.

Mr. Sallee informed the Commission that, since the August 28th meeting, the staff had received an additional 10 email correspondences, as well as a petition pertaining to this zone change request, should the Commission choose to reopen the hearing to consider these additional items today.

Planning Commission Questions – The Chair explained that this item is a continued discussion by the Commission; and the staff has stated that the presentation and public discussion portion had been closed at the August 28th meeting. He said that the Planning Commission had discussed this item, as well as made a couple of motions, but those motions failed. Subsequently, the Commission made a motion to continue this item to today's meeting.

The Chair said that the staff had supplied the Commission with the revised recommendation for the zoning development plan, and one of the discussion items from the August 28th meeting was to possibly change the setback along Euclid Avenue. He then said that the Commission had also discussed the conditional zoning restrictions, specifically items "c" and "d," and whether or not those two uses should be removed from the prohibited uses or remain as a prohibited use. He added that the last item the Commission had discussed was whether or not a drive-through lane should be permitted on the subject site.

The Chair asked if the applicant had any new information to present to the Commission. Mr. John Talbott, attorney, was presented representing the applicant. He indicated that they had no new information, but he wanted to reiterate that his client was willing to eliminate the parking along Marquis Avenue to improve the access visibility, and said that they are willing to install a speed hump on McCaw's Alley to help with traffic calming. He noted that the location of the speed hump would be determined by the Division of Traffic Engineering. Mr. Talbott said that his client is in agreement with the following conditional zoning list of prohibited uses for the property:

- a. Schools for academic instruction.
- b. Funeral parlors.
- c. ~~Medical and dental offices, clinics and laboratories.~~
- d. ~~Liquor stores.~~
- e. Automobile service stations.
- f. Banquet facilities.
- g. Cocktail lounges, nightclubs or bars.
- h. Live entertainment.

Planning Commission Questions – Ms. Plumlee asked if the drive-through would be permitted. The Chair replied affirmatively, unless the Commission chooses to remove the possibility of a drive-through.

Mr. Berkley said that there are several drive-through facilities within the general area, and the Commission just recently approved another drive-through along Euclid Avenue for the Kroger expansion. He then said that, since there are already several drive-thoughts in this area, he does not believe adding another drive-thought would be a problem. He added that a drive-through benefits the property by increasing its value, and said that the Commission can not approve a zone change, and limit that property's potential. Therefore, he was in favor of the requested drive-through.

The Chair asked if there are any changes with the site improvements. Mr. Sallee pointed out that the Commission was reviewing the same zoning development plan that was presented at the August 28th meeting, and explained that there will be one access along Euclid Avenue and two accesses on McCaw's Alley. He noted that McCaw's Alley is located between Marquis Avenue and Park Avenue. He then said that there will be off-street parking on site with two-way movement through the parking lot from Euclid Avenue to McCaw's Alley. He added that the drive-through will only provide a one-way movement to McCaw's Alley out toward Marquis Avenue. Mr. Sallee said that, according to the cross-section, at least $\frac{3}{4}$ of the alley along the rear of the subject property will be widened.

Ms. Mundy asked if McCaw's Alley would align with the rear access to the Kroger Store. Mr. Sallee directed the Commission's attention to the inset map on the face of the development plan and explained that McCaw's Alley and the rear access point for Kroger will not line up.

Ms. Plumlee said that she agreed that the properties should be able to benefit from the use; but considering the neighborhood on the other side of McCaw's Alley; she thought that a drive-through would be more invasive than not having one. She then said that access points should align with each other; but for this request, McCaw's Alley and the rear access to Kroger do not.

Action - A motion was made by Mr. Cravens, seconded by Ms. Richardson and carried 7-0 (Brewer, Drake, Penn and Wilson absent) to approve MAR 2014-16: CALLER PROPERTIES, LLC, as recommended by the staff, removing item "c" from the listed of prohibited uses. He added that item "d" is to remain listed on the prohibited uses.

Action - A motion was made by Mr. Cravens, seconded by Mr. Berkley to approve ZDP 2014-65: CHEVY CHASE SHOPPES, as presented by the revised staff recommendation.

Discussion of Motion – The Chair confirmed that the motion on the floor is in regard to the list of conditions shown on the overhead. Mr. Cravens replied affirmatively, and asked if the speed humps will be on the adjacent property. Mr. Talbott explained that McCaw's Alley is a public right-of-way that runs along the rear of their property, so the speed humps would be installed on McCaw's Alley. Mr. Cravens amended his motion to include the speed humps.

The Chair confirmed that the amended motion on the floor is as follows:

1. Provided the Urban County Council rezones the property B-1; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Denote: Building fenestration along Euclid Avenue will be resolved at the time of the Final Development Plan.

The Chair said that the following language, as shown on the overhead, would be added:

7. Increase building setback to Euclid Avenue to within 5' of the Ashland Building.

The Chair then said that the amended motion on the floor included the speed hump on McCaw's Alley, and asked Mr. Berkley if he agreed with the amended motion. Mr. Berkley replied affirmatively.

The motion carried 7-0 (Brewer, Drake, Penn and Wilson absent).

- B. DISCUSSION ITEMS** – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for these hearings is as follows:

- Staff Report(s), including subcommittee reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (b) objectors (30 minute maximum OR 3 minutes each)
- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)
- Commission discusses and/or votes on the plan.

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the meeting. The Chair will announce his/her decision at the outset of the hearing.

1. DEVELOPMENT PLANS

- a. DP 2014-64: SOUTH BROADWAY PLACE (PHASES IIA & III), LYNN GROVE ADDITION (AMD) (10/5/14)* - located at 107, 116, 118, 201 & 203 Simpson Avenue; 1100-1110 Prospect Avenue; and 99-103 & 109-119 Burley Avenue. (Council District 3) **(Barrett Partners)**

Note: The Planning Commission postponed this plan at their August 14, 2014, meeting. The purpose of this amendment is to revise the development of South Broadway Place, Lynn Grove Addition Townhouse (R-1T) area and redevelopment of R-4 areas of Lynn Grove Addition.

The Subdivision Committee Recommended: Postponement. There were some questions about the storm drainage improvements that might be necessary.

Should this plan be approved, the following requirements should be considered:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Correct reference in note #20 to "Division of Waste Management."
11. Denote street cross-sections through Export Street and Simpson Avenue.
12. Denote existing easements on face of plan.
13. Clarify lot lines, and add calls & distances at north edge of property.
14. Revise notes to include all relevant notes from approved plan.
15. Denote BOA approval of variance and delete note #17.
16. Denote closure of Simpson Avenue and Prospect Avenue and cite Council ordinance.
17. Denote source of contour data on plan.

* - Denotes date by which Commission must either approve or disapprove request.

18. Denote front building lines on Lots 14-19 & 20-25.
19. Discuss status and timing of proposed pedestrian access across railroad right-of-way.
20. Discuss compliance with note #24 on approved plan.
21. Discuss compliance with note #25 on approved plan.
22. Discuss emergency vehicle access in area adjacent to Burley Avenue.

Staff Presentation – Mr. Martin directed the Commission's attention to the amended final development plan for South Broadway Place (Phase IIA & III) Lynn Grove Addition, and briefly oriented them to the location of the property on the plan rendering. He explained that the property is located just off South Broadway along Simpson Avenue, Prospect Avenue and Burley Avenue and is part of the recent zone change that was approved by the Commission. He noted that a portion of Simpson Avenue and Prospect Avenue has been closed and is now a private access for this development. Mr. Martin said that the purpose of this amendment is to revise the new development for apartment buildings and townhouses, as well as the associated parking. He then said that the total completed development will consist of 232 units/367 bedrooms and 376 parking spaces; and the new area will be comprised of 129 units.

Mr. Martin said that on August 22nd, the staff had received a revised submission of this plan, addressing a few of the "cleanup" items originally identified at the Subdivision Committee meeting. He then said that the applicant has also revised the parking and building orientation due to a concern with traffic circulation and the ability to provide adequate spacing for emergency and larger vehicles. He added that, on the previous submission, the building backing up to the railroad has now been split into two buildings, along with providing pedestrian access across the railroad tracks connecting with the University of Kentucky.

Mr. Martin said that the Subdivision Committee had recommended postponement of this request due to questions about the storm drainage improvements that might be necessary for this site. He directed the Commission's attention to the staff's revised recommendations, and briefly explained that conditions #1 through #9 involve standard sign-off conditions from the different utilities and divisions of the LFUCG; and the remaining conditions, with the exception of conditions #14 and #15, are "cleanup" items. He then directed the Commission's attention to the staff exhibit, and said that notes #24 and #25 are carryover notes from the previously approved development plan that was associated with the zone change request and the concerns with the stormwater issues in this area. He explained that before the implementation of the Division of Water Quality's Capacity Assurance Program requirements, note #25 (condition #15) was placed on the development plan to reference the sanitary sewer plan for this property. He said that there are two trunk lines on this property that consist of 15" and 21", and there is capacity in the watershed to handle this development. He then said that it will be incumbent upon this developer to ensure that there is capacity by applying for and reserving capacity under the Capacity Assurance Program. Mr. Martin said that note #25 also referenced the associated sanitary sewer easements for Simpson Avenue; and since this street was made private, the applicant will need to create a sanitary sewer easement on their property to the approval of the Division of Engineering.

Mr. Martin said that note #24 (condition #14) references a stormwater management study that is to be done at the time of the final development plan. He then said that the original plan had shown a single building sitting on a portion of the proposed large underground detention basin. However, the applicant responded to the staff's concerns by revising the layout of the development. He noted that that single building has been split into two buildings and was moved away from the basin. The applicant has now placed an easement in the center of these two buildings that connects with the underground basin. Mr. Martin directed the Commission's attention to an aerial photograph, and explained the location of the rail road tracks, the existing detention basin and the storm water system within this area. He said that, initially, the staff's concern was the size of the basin and how big it would need to be in order to handle this area. He then said that the underground basin will need to be very large in order to handle the current and future capacity, as well as downstream flooding. He added that, since this will be a very large detention basin, there are many issues that will need to be addressed; and the staff believes that not enough work has been done to ensure that this system will work for this area. Mr. Martin said that this is a final development plan and it requires specific information for the stormwater management system. He then said that the rendering being shown is how the applicant is proposing the layout, and how they believe the system would work; but if this layout doesn't work then there could be an impact on this property, resulting in this request being presented to the Commission in the future. The staff believes that this request is premature, and additional work needs to be done in order to consider the potential impact of the stormwater system. He said that because of those concerns, the staff is still recommending postponement of the applicant's request.

Planning Commission Questions – The Chair asked what specific information the staff would like to have. Mr. Martin said that the staff would like more information on the proposed stormwater facility, since it will be very large and will be located underground.

Representation – Richard Murphy, attorney, was present representing the applicant. He indicated that they are in general agreement with the revised conditions, and explained that there are two potential sanitary sewer lines that could be used to serve this development. It appears that there is capacity for this development. He noted that, under normal procedures, the stormwater sewer lines are designed after the Commission approves the final development plan. He directed the Commission's attention to the rendering and explained that, on the original submittal, the layout of the sewer line was proposed to divert around a single building; but after speaking with a hydrological engineer, even though the same volume of water would be traveling into the basin, it was determined that this proposed path

would actually slow down the water, impacting the volume of storage that would be necessary in the basin. He said that when the building was split into two, the path for the storm water drainage changed, which changed the equation for the amount of water going into the basin. Mr. Murphy said that, under normal circumstances, the Commission would approve the final development plan, which then would allow the building permits to be obtained. At that time, they would have to demonstrate the exact calculation for capacity to the Division(s) of Engineering and Water Quality, showing each division that their proposed design would collect the proper amount of storm water. This is important because of notes #24 and #25 noted on the final development plan. He said that they are requesting that the Commission approve their final development plan, at which time it can be certified, and the configuration would be set, allowing the calculations to be done. He then said that, due to the economy and timing, they do not want to go through the exercise twice, should they need to shift a building.

Mr. Murphy said that they are requesting to go forward with this submittal; and prior to the plan being certified, all the standard sign-off conditions from the different utilities and divisions of the LFUCG will be met. He then said that they are not trying to get out of any requirements and they understand that they will need to provide the water study. He added that they are in agreement with the staff's revised conditions and requested that condition #14 be changed to add "prior to issuance of a building permit."

Planning Commission Questions – Mr. Berkley asked if the applicant has the ability to scale the basin at the appropriate size. Mr. Murphy replied affirmatively and said that, once they know the exact calculations, there is enough space to have an appropriately sized basin.

Ms. Mundy asked if the larger basin would help with the downstream flooding. Mr. Murphy said that they believe that it would. Mr. Martin said that the larger basin could help with the downstream flooding if it was designed to address the flooding downstream. He then said that the Stormwater Manual does have a provision for that issue to be considered.

The Chair asked if the staff is agreeable to the change on condition #14. Mr. Martin said that the applicant has one year to have a plan certified, which would allow the LFUCG time to review the Stormwater Manual and their engineering design. The Chair asked if staff is agreeable. Mr. Martin said that it would be acceptable with the staff if the Commission deems it to be acceptable.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. Anthony McIntire, who owns adjacent property along Burley Avenue, was present. He said that he did not oppose the variance, nor is he opposed to this development. He then said that, in general, this layout is a good plan; but when it comes to pedestrian access and traffic, he would request that a sidewalk be added along Prospect Avenue, leading through the subject property, creating a safer path.

Mr. McIntire directed the Commission's attention to three photographs of the 1993 flooding on Press Avenue. He explained that the buildings in this area were under 3 feet of water, and the only visible signs of cars were the roof tops. This type of flooding has happened as recently as 2006. He said that even though there is an 18" pipe under the railroad track, the railroad track acts as a dam, noting that to say that the detention basin needs to be calculated solely on the volume of water that comes through the 18" pipe is locking the size of the pipe, resulting in a failed hydrological system. He added that the current size of the pipe is inadequate, from the evidence of flooding in the past; plus the University of Kentucky is adding more impervious surfaces, which will result in a worse situation. He said that it is unfair to ask the developer to take on the entire burden, and asked if they can be required to use a larger size pipe or be required to perform a study that includes "what if" scenarios for both upstream and downstream. He then said that a flooding event is not an abstract engineering calculation, and indicated that it is scary to see or go through one of these events.

David Burke was present on behalf of Norma Walton, who owns the properties shown in the previous photographs. He said that, to this day, there is still a flooding problem in their parking lot and on Press Avenue. He then said that all it takes is a moderate 15-minute rain to create a foot of water or a flash flood. He added that it was not so long ago that he helped a resident clean up her car that had one inch of water inside from a flash flood event. He said that, as more development grows, there needs to be a solution to the flooding problem.

Nathan Billings, attorney, was also present on behalf of Norma Walton, as well as Tim Chesney and Robert Hodge. He directed the Commission's attention to the aerial photograph, and noted that his clients own properties east of the railroad tracks in the area where there is flooding. He then directed the Commission's attention to the rendering and said that the development plan storm sewer plan notes the 18" pipe, but at some point in the future the pipe may need to increase in size. He then said that the study for the detention basin needs to take into consideration the size of the pipe, so the property owners east of the railroad track do not get locked in from the future developments in this area. He asked, when the hydrological study is done, that the study reference different sizes of pipes, not just 18", in order to provide an adequately sized detention basin.

Mr. Billings said that Mr. McIntire's request for pedestrian access sounds very reasonable. Their concern is that, as this area develops without sidewalks, people will be pushed out toward Harrodsburg Road, creating a situation like the East End Area. He then said that the Comprehensive Plan speaks to the importance of bike and pedestrian

access, connectivity and accessibility. He added that, should this request be approved, bike and pedestrian connectivity should be taken into consideration.

Jennie Daley, 136 Burley Avenue, was present. She requested the Commission to either postpone or deny the applicant's request because of the outstanding unknowns that could dramatically alter a real final development plan. She said that there are concerns with the parking calculations; the plan for the ped-way has not been finalized and could possibly be relocated, altering the locations of the proposed buildings. She then said that the biggest concern is the lack of a plan for handling the stormwater runoff. Directing the Commission's attention to a series of photographs, she explained that stormwater management is a serious issue for this area. She said that there is an active stream that runs through the center of this development, and it is draining the water from the UK campus from the KET building and the stadium toward the railroad tracks. She then said that once the water goes under the railroad tracks becomes a blueline stream, known as Vaughn Branch, which is a significant tributary for the Wolf Run Watershed. She added that a blueline stream is subject to the Kentucky Water Quality Management, EPA and the Army Corps. of Engineers regulations. She presented several photographs of the stream before and after a flooding event, noting that the location of the culvert is under Simpson Avenue. She explained that after a heavy rain, most of this area is flooded. The topography of this area was designed with are several retention wells that have been created to hold the water. She said that all of the retention wells surrounding this development work well because the current best practices that are used by the EPA and LFUCG were followed. She said that even though the final stormwater management plan will be for this proposed development, it appears on the rendering to enlist an underground detention basin. These basins do not follow the current best practices that are set forth by the EPA or the LFUCG for stormwater management; and until the study is submitted and reviewed by the government agencies, the impact to this area is unknown. Ms. Daley noted her understanding that the applicant does not want to go through the process twice; but since this case is unusual and an exceptional situation, the process may need to be done twice to get it right. She then said that the incomplete nature of the stormwater management alone is so significant, it renders this development as a preliminary development plan - not a final development plan. This development will have a huge impact on the smaller neighborhoods, and she is asking for this development to be the best it can be. She said that this development should reflect design excellence and proper stormwater management, which is something everyone wants. She requested that the Commission help guide this development in the right direction by not approving the development plan until it is properly developed and vetted by the water quality staff.

Representation Rebuttal – Mr. Murphy said that his client has developed properties throughout this area. Sidewalks are being installed where they did not exist, which is creating more pedestrian connectivity. He then said that they are not agreeable to have a walkway go through a person's back yard, and they consider that to be bad practice. He added that condition #6 requires the Bike & Pedestrian Planner's approval for any bike trails and/or pedestrian facilities to be installed prior to the plan being certified. He indicated that they will provide better pedestrian connectivity after this development is built than what currently exists.

Mr. Murphy said that, regarding the stormwater concern, they have consulted with the Army Corps. of Engineers, who had approved the use of the underground storage vaults on December 13, 2013. He then said that the vaults will replace the existing basin that was previously shown by Ms. Daley. He added that the existing basin is working the way it is supposed to work. The pictures are not depicting a flooding event, but it is showing that the basin is collecting the water as it is supposed to. He said that the Army Corps. of Engineers is not releasing his client from any burden, and his client must meet their requirements for the underground vault.

Mr. Murphy noted that the flooding east of the railroad track was mentioned, and pictures from the 1993 flooding were presented to the Commission. He said that, as the University of Kentucky purchases these properties, they are also required to install storm water mitigation on their properties. The area today is not the same situation as it was in 1993, or even 6 years ago. He said that the UK Master Plan calls for their design to come up to the railroad track eventually purchasing the remaining properties on the eastern side of the tracks toward Limestone. He then said that the stormwater problems have not gone away; but the situation has been improved. Mr. Murphy said that, in speaking with his engineers, the pipe under the railroad tracks is a 54" equivalent pipe, not 18" in size. He said that this pipe is not a circular pipe, but it is the equivalent of a 54" circular pipe, which is what is needed for this area. He added that the problems in this area are upstream from this development, not downstream.

Mr. Murphy said that they will conduct a water study through the normal procedure, and they will submit their plan and their calculations to the Division(s) of Engineering and Water Quality for their approval. If they do not approve their request, then they would be re-presenting a development plan to the Commission. They want to be treated the same as any other development at this stage, so they will know the layout of the buildings in order to go forward to determine the stormwater calculations. Mr. Murphy requested approval of this application, and said that they are in agreement with the staff's revised recommendations. He requested that condition #14 be changed to read: "Resolve compliance with note #24 on approved plan prior to plan certification or issuance of a building permit."

Planning Commission Questions – Mr. Berkley asked if there has been any discussion about replacing the 54" pipe, to which Mr. Saltee replied not to the staff's knowledge. Ms. Mundy said that that decision would be up to the railroad since the pipe runs under their tracks.

Opposition Rebuttal – Mr. Billings said that they are concerned that the development plan reflects an 18" pipe, and now the applicant's attorney has stated that the pipe is equivalent to a 54" pipe. He then said that, regardless of the size of the pipe and the date of the pictures, there is still a flooding problem in this area. He added that he is unaware of any discussions concerning the replacement of the pipe under the tracks, but at some point that pipe should be replaced. He said that they are worried that, should the vault be built, that would lock in the pipe, not allowing it to be replaced at all.

Planning Commission Questions - Mr. Berkley said that there is a retention basin on the UK property, and the Planning Commission does not have jurisdiction over their property. Mr. Billings indicated that the Commission does not have jurisdiction over the UK property, but he believes his clients should be able to have something done to alleviate the flooding problem. He asked that the Commission consider what the size of the basin needs to be, instead of locking his clients in with the current size.

Mr. Berkley then asked how the size can be determined if the future is unknown. Mr. Billings said that a hydrological study should be conducted.

The Chair asked for clarification on the size of the pipe. Mr. Martin replied that the staff has no direct knowledge of the size.

Mr. Cravens said that it was mentioned that the University of Kentucky could purchase more properties in this area, and asked if they would not have the responsibility to not add to the stormwater that is currently flowing through the pipe. Mr. Martin said that the University of KY is a state entity; therefore, they do not have to address the local standards when developing, although they do need to address state and federal standards. Mr. Cravens said that regardless of who is developing the eastern side of the tracts, the city engineers will ensure that more water will not be flowing through an insufficient pipe.

Ms. Plumlee referenced "Safe by Design" and asked how the staff feels about making the sidewalk more accessible for pedestrians. Mr. Martin agreed that the development will function for pedestrian movement, and the rights-of-way have been improved. He said that the Bike & Pedestrian Planner will review the applicant's proposal to ensure that there are connections. He added that Safe by Design does not encourage pedestrian activity in areas that are not open to the public.

Action - A motion was made by Mr. Cravens and seconded by Ms. Richardson to approve DP 2014-64: SOUTH BROADWAY PLACE (PHASES IIA & IIB), LYNN GROVE ADDITION (AMD), subject to the revised conditions listed by the staff, changing condition #14 to read: "Resolve compliance with note #24 on approved plan prior to plan certification."

Discussion of Motion – Mr. Berkley asked if condition #15 should reflect "prior to plan certification." The Chair said that condition #15 already reflects that language. Mr. Berkley responded that condition #15 reflects "prior to issuance of a building permit." Mr. Cravens said that condition #15 concerns the sanitary sewer. Mr. Berkley indicated agreement.

The Chair said that he appreciated everyone coming to the hearing to express their concerns, noting that it does seem that stormwater is the main issue for this case. He then said that, as this case is being presented and the motion as it is read, nothing can be done until the plan is certified. He added that the applicant will need to submit a stormwater plan to the Division of Engineering; otherwise, this development can not move forward.

The motion carried 6-1 (Plumlee opposed; Brewer, Drake, Penn and Wilson absent).

- b. DP 2014-70: LYNN GROVE ADDITION, LOTS 8-17 (11/2/14)* - located at 1107, 1109 & 1111 Stillwell Avenue and 201-205 Burley Avenue. (Council District 3)
(Abbie Jones)

The Subdivision Committee Recommended: Postponement. This plan does not reflect prior landscaping variances approved previously by the Planning Commission.

Should this plan be approved, the following requirements should be considered:

1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.

* - Denotes date by which Commission must either approve or disapprove request.

10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Delete all final record plat certifications.
12. Delete site "key notes" and numbers.
13. Delete existing and proposed zone references in site statistics.
14. Delete notes #9, #10 and #15.
15. Delete the word "proposed" from site statistics.
16. Improve legibility of plan graphics for building.
17. Denote Planning Commission approved variances and related conditions on plan.
18. Revise landscaping buffers to match approved variances by the Planning Commission.
19. Clarify lot coverage and floor area ratio numbers.
20. Dimension buildings.
21. Dimension balconies or provide their area (sq. ft.) in site statistics.
22. Dimension all sidewalks.
23. Dimension open space areas.
24. Addition of required Tree Protection Plan per the Zoning Ordinance.
25. Clarify purpose of dashed lines in vehicular use area.
26. Dimension typical parking space.
27. Clarify right-of-way, property line and site improvements along Stillwell frontage, per the approved Zoning Development Plan.
28. Correct plan title.
29. Discuss compliance with the Infill Design requirements per Article 15-7(a) and (b) per note #10 on the approved Zoning Development Plan.

Staff Presentation – Mr. Martin directed the Commission's attention to the final development plan for the Lynn Grove Addition, Lots 8 through 17, located at 1107, 1109 & 1111 Stillwell Avenue and 201-205 Burley Avenue. He oriented the Commission to the surrounding area and street system on the plan rendering, and briefly explained that the subject property is located just off South Broadway. He said that the applicant is proposing to develop 14 townhouses that will have frontage on both Stillwell Avenue and Burley Avenue. He then said that this development has a unique feature because three of the units will have a second unit on the second floor, which is why the applicant has referred to this development as being condo units.

Mr. Martin said that access will be provided off Stillwell Avenue, and there will be one way circulation through the new parking lot. He then said that there will be 45 angled parking spaces provided, and the dumpster location will be at the rear of the site. There will be landscaping on the outside of the property and an open space area along Stillwell Avenue and Burley Avenue. He noted that when the Commission had approved the zone change, there were four variances also approved that affected the building line and reduced the required landscaping along the perimeter of the property. He noted that the newest submittal being presented to the Commission does reflect the Commission's approval of those variances.

Mr. Martin said that the Subdivision Committee had recommended postponement of this request last week because it did not reflect the prior landscape variances that were previously approved by the Planning Commission. However, the staff had recently met with the applicant's architect, and they have submitted a revised development plan that addressed many of the clean-up conditions outlined last week by the Subdivision Committee. He said that the staff is now recommending approval of this final development plan, subject to following revised conditions:

1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
- ~~11. Delete all final record plat certifications.~~
- ~~12. Delete site "key notes" and numbers.~~
- ~~13. Delete existing and proposed zone references in site statistics.~~
- ~~14. Delete notes #9, #10 and #15.~~
- ~~15. Delete the word "proposed" from site statistics.~~
- ~~16. Improve legibility of plan graphics for building.~~
- ~~17. Denote Planning Commission approved variances and related conditions on plan.~~
- ~~18. Revise landscaping buffers to match approved variances by the Planning Commission.~~
11. 19. Clarify lot coverage and floor area ratio numbers.
- ~~20. Dimension buildings.~~

- ~~21. Dimension balconies or provide their area (sq. ft.) in site statistics.~~
- ~~22. Dimension all sidewalks.~~
- ~~23. Dimension open space areas.~~
- ~~24. Addition of required Tree Protection Plan per the Zoning Ordinance.~~
- ~~25. Clarify purpose of dashed lines in vehicular use area.~~
- ~~26. Dimension typical parking space.~~
- ~~27. Clarify right of way, property line and site improvements along Stillwell frontage, per the approved Zoning Development Plan.~~
12. 28. Correct plan title.
13. 29. Discuss Denote compliance with the Infill Design requirements per Article 15-7(a) and (b) ~~per note #10 on the approved Zoning Development Plan on plan.~~

Mr. Martin briefly explained that conditions #1 through #10 involve standard sign-off conditions from the different utilities and divisions of the LFUCG; and the remaining conditions are “clean up” items that have been addressed. He directed the Commission attention to condition #15, and explained that the applicant will need to denote their compliance with the Infill Design requirements, per Article 15-7(a) and (b) of the Zoning Ordinance. He said that, since this site is located in the Infill area, they will have to comply with such requirements for their building and site details. He then said that the applicant has addressed some of these issues through the building setback along Stillwell Avenue and Burley Avenue. He added that the Infill Design requirements were intended to ensure compatibility between the new development and the older development throughout this area.

Representation – Brandon Shelley, who works with Abbie Jones, was present, representing the applicant. He said that they have been very proactive in addressing these issues, and they have been working with the Division of Engineering regarding the storm sewer issues and flooding issues in this area. He explained that they have submitted an analysis plan to Engineering; and their staff would like for his clients to have second curb inlet, which would tie into the existing stormwater sewer, as well as install pervious pavers to help with the stormwater runoff in this area.

Mr. Shelley said that they are in agreement with the staff’s revised recommendations and requested approval.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. Jennie Daley, 136 Burley Avenue, was present. She expressed that the applicant and Ms. Jones’ staff had met with the neighborhood, and since that time their concerns have been met. She then said that she, as well as the neighborhood, is in support of the proposed development plan and asked that the Commission approve this proposed request.

Action - A motion was made by Ms. Richardson, seconded by Ms. Mundy and carried 7-0 (Brewer, Drake, Penn and Wilson absent) to approve DP 2014-70: LYNN GROVE ADDITION, LOTS 8-17, as presented by the staff.

- c. DP 2014-72: COONS PROPERTY, TRACT 1 (A PORTION OF) (11/2/14)* - located at 4251 Saron Drive.
(Council District 8) **(Rich Design Studios)**

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer’s acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer’s approval of street cross-sections and access.
3. Building Inspection’s approval of landscaping and landscape buffers.
4. Addressing Office’s approval of street names and addresses.
5. Urban Forester’s approval of tree preservation plan.
6. Department of Environmental Quality’s approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner’s approval of bike trails and pedestrian facilities.
8. Division of Fire, Water Control Office’s approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management’s approval of refuse collection locations.
10. Documentation of Division of Water Quality’s approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Remove copyright statement from plan.
12. Delete note #3.
13. Label 100 year floodplain.
14. Delete 10’ rear yard and 5’ side yard setback notations.
15. Denote building height in feet.
16. Denote lot coverage and floor area ratio in site statistics.
17. Denote Board of Adjustment approval of conditional use permit.
18. Document compliance with Article 21-4(e) of the Zoning Ordinance prior to certification.
19. Discuss closed contour area shown.
20. Discuss proposed construction in storm drainage easement area.
21. Discuss pedestrian access from public sidewalk into building entrance.
22. Discuss access to proposed open space and private park area.

* - Denotes date by which Commission must either approve or disapprove request.

Staff Presentation – Mr. Martin directed the Commission's attention to the final development plan for the Coons Property, Tract 1, located at 4251 Saron Drive. He oriented the Commission to the surrounding area and street system on the plan rendering, and briefly explained that the subject property is located outside of Man o' War Boulevard, along Saron Drive, across from Tates Creek South Shopping Centre. He said that the subject property is oddly shaped, adding that there is major creek along the back side of the tract. He then said that there is a floodplain associated with a portion of this tract, which will require a 25' setback to be established on the property.

Mr. Martin said that the applicant is proposing an assisted living facility at this location. He then said that, due to the topography of the land, the rear of buildings will be at ground level to allow people the ability to walkout outside. He added that the applicant is proposing 89 units, with associated parking being provided at the front of the site along Saron Drive. He added that there will be two access points, both on Saron Drive; and one of those accesses will align with Chas Drive.

Mr. Martin said that the Subdivision Committee had recommended approval of the applicant's request, subject to the conditions listed on today's agenda. He then said that the applicant did submit a revised development plan that addressed many of the "clean-up" conditions outlined last week by the Subdivision Committee. He said that the staff is now recommending approval of this final development plan, subject to following revised conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. ~~Remove copyright statement from plan~~ Addition of exterior building dimensions.
12. ~~Delete note #3~~ Addition of canopy height information.
13. ~~Label 100 year floodplain.~~
14. ~~Delete 10' rear yard and 5' side yard setback notations.~~
15. ~~Denote building height in feet.~~
16. ~~Denote lot coverage and floor area ratio in site statistics.~~
17. ~~Denote Board of Adjustment approval of conditional use permit.~~
13. 18. Document compliance with Article 21-4(e) of the Zoning Ordinance prior to certification.
19. ~~Discuss closed contour area shown.~~
20. ~~Discuss proposed construction in storm drainage easement area.~~
21. ~~Discuss pedestrian access from public sidewalk into building entrance.~~
14. 22. ~~Discuss~~ Denote access to proposed open space and private park area on plan.

Mr. Martin briefly explained that conditions #1 through #10 involve standard sign-off conditions from the different utilities and divisions of the LFUCG; and the remaining conditions are "cleanup" items that have been addressed. He then said that with the submitted changes to the development plan, the staff is recommending approval of the applicant's request.

Representation – Kevin Rich, Rich Design Studios, was present, representing the applicant. He said that they are in agreement with the staff's revised recommendations and requested approval.

Planning Commission Questions - Ms. Plumlee asked if the applicant would be agreeable to providing a trail path internal to the site. Mr. Rich said that, with the topography of the land and its sensitivity, his client is reviewing that possibility.

The Chair expressed his appreciation in reducing the number of conditions by submitting a revised development plan.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Ms. Mundy, seconded by Ms. Plumlee and carried 7-0 (Brewer, Drake, Penn and Wilson absent) to approve DP 2014-72: COONS PROPERTY, TRACT 1 (A PORTION OF), as presented by the staff.

- C. PERFORMANCE BONDS AND LETTERS OF CREDIT** – Any bonds or letters of credit requiring Commission action will be considered at this time. The Division of Engineering will report at the meeting.

Action - A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 7-0 (Brewer, Drake, Penn and Wilson absent) to approve the release and call of bonds as detailed in the memorandum dated September 11, 2014, from Barry Brock, Division of Engineering.

D. DISCUSSION ITEMS (continued)

2. DEVELOPMENT PLANS

- a. DP 2014-73: PATCHEN WILKES TOWNHOMES (11/2/14)* - located at 1811 Winchester Road.
(Council District 6) **(Barrett Partners)**

The Subdivision Committee Recommended: Approval, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Clarify TPA to indicate trees preserved on top of existing berm.
13. Document approval of dimensional variances prior to plan certification, or shift building locations.
14. Addition of all required preliminary subdivision information.
15. Resolve compliance with Article 9 requirements and/or R-1T standards.
16. Resolve timing of access easement connection to adjoining property.
17. Resolve intersection alignment proposed at Goodpaster Way.
18. Resolve internal parking restriction.
19. Discuss building setbacks from pavements.

Staff Presentation – Ms. Gallt directed the Commission's attention to the final development plan for this proposed Patchen-Wilkes Townhome development, located at 1811 Winchester Road. She oriented the Commission to the surrounding area and street system using the plan rendering, and briefly explained that the project site is located just off Winchester Road off Patchen Wilkes Drive.

Ms. Gallt said that the Subdivision Committee had recommended approval of the applicant's plan, subject to the conditions listed on today's agenda. She then said that on September 10th, the applicant submitted a revised development plan that addressed several "clean-up" conditions outlined by the Subdivision Committee. As a result, the staff can offer a revised recommendation to the Planning Commission for consideration of this final development plan. The Staff is recommending approval of this request, subject to the following revised conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
- ~~12. Clarify TPA to indicate trees preserved on top of existing berm.~~
- ~~13. Document approval of dimensional variances prior to plan certification, or shift building locations.~~
12. 14. Addition of all required preliminary subdivision information.
- ~~15. Resolve compliance with Article 9 requirements and/or R-1T standards.~~
13. 16. Resolve timing of access easement connection to adjoining property.
14. 17. Resolve intersection alignment proposed at Goodpaster Way to the approval of the Division of Traffic Engineering.
- ~~18. Resolve internal parking restriction.~~
- ~~19. Discuss building setbacks from pavements.~~

* - Denotes date by which Commission must either approve or disapprove request.

Ms. Gallt briefly explained that conditions #1 through #11 involve standard sign-off conditions from the different utilities and divisions of the LFUCG; and the remaining conditions are “cleanup” items that are in the process of being addressed. She directed the Commission’s attention to condition #13, and said that there is only one means of access into the site. That access will eventually make a connection to the existing Goodpaster Way, across Patchen Wilkes Drive; however, it will not make a connection to the adjoining property. She explained that the adjoining property has not been approved for development at this time; and it is the staff’s understanding the applicant is working with the Fire Department, as well as the Division of Traffic Engineering, to provide a second access point into this property and to ensure proper alignment with the existing Goodpaster Way and the proposed Goodpaster Way.

Ms. Gallt said that, on the original submittal, the staff had some concern with the close building setbacks from the edge of pavement. She noted that the staff had previously distributed a handout to the Commission regarding the discussion item (condition #19). She said that, on the revised submittal, the applicant had increased the setback from the edge of the driveway to the property line to 7 feet, resolving much of the staff’s concern.

Ms. Gallt said that, with the revised submittal, the staff is recommending approval of the applicant’s request.

Representation – Tony Barrett, Barrett Partners, was present, representing the applicant. He said that they are in agreement with the staff’s revised recommendations and requested approval.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Mr. Berkley, seconded by Mr. Smith and carried 7-0 (Brewer, Drake, Penn and Wilson absent) to approve DP 2014-73: PATCHEN WILKES TOWNHOMES, as presented by the staff.

4. **MINOR PLAN**

1. DP 2013-87: TODDS TRACE APARTMENTS (PENNINGTON PLACE APART.) - located at 215 Codell Drive.
(Council District 7) **(CDP)**

Note: The staff is referring this minor plan to the Commission due to the proposed new access point.

Staff Presentation – Mr. Hunter directed the Commission’s attention to the minor development plan for the Todds Trace Apartment (Pennington Place Apartments) development, located at 215 Codell Drive. He oriented the Commission to the surrounding area and street system on the plan rendering, and briefly explained that the project site is located at the corner of Quinton Court and Codell Drive, near Richmond Road.

Mr. Hunter said that this request came into the Planning office as a minor amendment because the applicant wanted to revise the sidewalk and to adjust entrance #2. He then said that during the review process, the applicant had expressed an interest in adding a second entrance on Quinton Court, which removed this request from a minor amendment and placed it as a major amendment. This is why the staff has brought this request in front of the Planning Commission.

Mr. Hunter said that the entrance will be a locked manually gate; and if necessary, fire and emergency crews will have access through the entrance. He then said that the Division of Traffic Engineering and the Division of Fire has reviewed the request and approved the location of the new entrance.

Planning Commission Questions - The Chair asked if the second entrance has already been built. Mr. Hunter replied affirmatively.

Representation – Scott Southall, CDP, was present, representing the applicant. He said that they have nothing to add and requested approval.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Staff Comments – Mr. Sallee said that this is one of the rarest types of request since there are no conditions.

Action - A motion was made by Ms. Mundy, seconded by Ms. Richardson and carried 7-0 (Brewer, Drake, Penn and Wilson absent) to approve DP 2013-87: TODDS TRACE APARTMENTS (PENNINGTON PLACE APART.), as presented by the staff.

VI. **COMMISSION ITEMS** – No such items were presented.

VII. **STAFF ITEMS** – The Chair reminded the Commission of the upcoming Work Session on September 18, 2014.

VIII. **AUDIENCE ITEMS** – No such items were presented.

* - Denotes date by which Commission must either approve or disapprove request.

IX. **NEXT MEETING DATES**

Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) September 24, 2014
Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers **September 25, 2014**
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) October 2, 2014
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building)..... October 2, 2014
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers..... **October 9, 2014**

IX. **ADJOURNMENT** - There being no further business, the Chair adjourned the meeting at 3:17 PM.

Mike Owens, Chair

Will Berkley, Secretary